REMARKS

Claims 1 - 22 are pending. By this amendment, claim 16 is amended. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

The Office Action rejects claims 1 - 10 and 12 - 21, and objects to claims 11 and 22. Applicant assumes that claims 11 and 22 are objected to because of their dependence on rejected base claims, but would be allowable if written in independent form.

On page 2 the Office Action rejects claim 16 under 35 U.S.C. § 112 because the claim incorporates a trademark.. This rejection is respectfully traversed.

Claim 16 is amended to remove reference to the UNIX® trademark and to substitute a well-known description of a UNIX®-based operating system. Withdrawal of the rejection of claim 16 under 35 U.S.C. § 112 is respectfully requested.

On page 3 the Office Action rejects claims 1 - 6 and 21 under 35 U.S.C. 103(a) over Unix System Administration, Frank G. Fiamingo (hereafter Fiamingo) in view of Linux Kernel Module Programming Guide, Ori Pomerantz (hereafter Pomerantz). This rejection is respectfully traversed.

Considering claim 1, the Office Action asserts that Fiamingo teaches a user-defined tunable, and references Fiamingo at page 1, for this proposition. The Office Action then asserts that Fiamingo discloses all that is recited in claim 1 except that "Fiamingo does not explicitly teach that each of the kernel tunable [sic] being created by a *system administrator*." The Office Action goes on to assert that Pomerantz discloses this feature missing from Fiamingo.

Fiamingo is directed to a method for adjusting the value of kernel tunable, but most definitely does not disclose or suggest anything with respect to a user-defined tunable. That is, Fiamingo shows how a system administrator can change the values assigned to a kernel tunable by a kernel module programmer, or developer. Fiamingo does not disclose or suggest that the system administrator creates any user-defined tunables. In fact, there are no user-defined tunables in Fiamingo's method.

Pomerantz is directed to programming methods for the Linux kernel module. In Pomerantz, the developer writes the code that becomes Linux kernel modules: "This book is about writing Linux Kernel Modules. It is, hopefully, useful for programmers who know C and want to learn how to write kernel modules." See Pomerantz, introductory paragraph. Pomerantz does not make any provision for a system administrator writing or creating

separate, user-defined, tunables. Thus, Pomerantz does nothing to cure the defect in Fiamingo, namely that Fiamingo does not disclose or suggest user-defined tunables.

In fact, a user-defined tunable is a device that is unique to Applicant's inventions, as embodied, for example, in claim 1. A user-defined tunable is distinct from a developer-provided tunable, as explained in the specification at least at page 3, line 7 - page 5, line 29. Here, a system administrator uses various interfaces, such as user/administrator interface 130 and administrator interface 150, and kernel configuration tools, to create user-defined tunables, to change the values associated with the user-defined tunables (and also, if needed, and allowed, to change the values assigned to developer-defined kernel tunables), and to relate the user-defined tunables to the developer-defined tunables. One such tool is *kctune* command 200.

As noted above, Fiamingo and Pomerantz, individually and in combination, disclose only one class of kernel tunables, namely a developer-defined tunable, and accordingly, Fiamingo and Pomerantz, individually and in combination, do not disclose all the features of claim 1, including, for example, user-defined tunables. Accordingly, claim 1 is patentable.

Claims 2 - 6 and 21 depend from patentable claim 1, and for this reason and the additional features they recite, claims 2 - 6 and 21 are also patentable. withdrawal of the rejection of claims 1 - 6 and 21 under 35 U.S.C. § 103(a) is respectfully requested.

On page 6 the Office Action rejects claims 8 - 10 and 13 - 15 under 35 U.S.C. 103(a) over Compaq Writing Kernel Modules (hereafter Compaq) in view of Pomerantz. This rejection is respectfully traversed.

Considering claim 8, the Office Action asserts that Compaq discloses a user-defined tunable and all the elements recited in claim 8 except that Compaq does not explicitly teach "that the user defined tunables are created by a system administrator." However, the Office Action asserts that Pomerantz 'teaches anyone who want [sic] to write kernel modules can define his or her own kernel module ... ." The Office Action concludes that it would have been obvious to modify the Compaq system using the teachings of Pomerantz to arrive at the invention recited in claim 8.

Compaq, just like Fiamingo, is directed to writing kernel tunables by UNIX program developers, and not system administrators. Following the guidance of Compaq, a programmer prepares a kernel tunable whose value can be changed by a system administrator, but Compaq most definitely does not disclose or suggest that the system administrator writes a kernel tunable, thereby creating a user-defined tunable. Pomerantz has already been discussed with respect to the rejection of claim 1.

In contrast to Compaq and Pomerantz, claim 8 recites a system administrator interface including a user-defined tunable creation option, a repository that stores user-defined tunables, and kernel configuration tools that read the user-defined tunables from the tunable repository and relate the user-defined tunables to a kernel tunable in the operating system, wherein the kernel tunable is created by a developer and the user-defined tunables are created by a system administrator. Thus, claim 8 recites features not disclosed or suggested by Compaq and Pomerantz, individually and in combination. Accordingly, claim 8 is patentable.

Claims 9, 10, and 13 - 15 depend from patentable claim 8, and for this reason and the additional features they recite, claims 9, 10, and 13 - 15 are also patentable. Withdrawal of the rejection of claims 8 - 10 and 13 - 15 under 35 U.S.C. § 103(a) is respectfully requested.

On page 8 the Office Action rejects claim 12 under 35 U.S.C. §103(a) over Compaq in view of Pomerantz and further in view of U.S. Patent 6,272,519 to Shearer et al. (hereafter Shearer). This rejection is respectfully traversed.

Claim 12 depends from patentable claim 8, and for this reason and the additional features it recites, claim 12 is also patentable. Withdrawal of the rejection of claim 12 under 35 U.S.C. § 103(a) is respectfully requested.

On page 8 the Office Action rejects claims 16 - 20 under 35 U.S.C. § 103(a) over Pomerantz. This rejection is respectfully traversed.

The Office Action again asserts that Pomerantz discloses a method for implementing user-defined tunables. However, as discussed above, what Pomerantz actually discloses is a method for implementing programmer-defined kernel tunables. In Pomerantz, there is only this one class of kernel tunables.

In contrast to Pomerantz, claim 16 recites user-defined tunables, and methods for implementing the user-defined tunables, as well as methods for relating the user-defined tunables to other kernel tunables. Accordingly, claim 16 is patentable. Claims 17 - 20 depend from patentable claim 16, and for this reason and the additional features they recite, claims 17 - 20 are also patentable. Withdrawal of the rejection of claims 16 - 20 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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